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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MENDOZA, ROBERT J

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,133

Applicant(s)

BAERLOCHER ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: claim 5, line 14, insert the word "of" in between the words "one" and "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (USPN 6,491,584) in view of Demar et al (USPN 6,203,429).

Regarding claims 1, 4-11, 13-19, 21, 22 and 24-26, Graham discloses a gaming device comprising a processor, a display device controlled by the processor a primary game controlled by the processor, a secondary game controlled by the processor, a secondary game triggering event in the primary game which triggers the secondary game, and at least one re-trigger of the entire secondary game, at least one additional spin in the secondary game or at least one additional turn in the secondary game provided to the player in the secondary game upon the display of one of the secondary game triggering symbols in one of a plurality of predetermined positions in the secondary game by disclosing in col. 1:29-45 and col. 2:55-59, according to the invention to the invention, there is provided a gaming machine having a display means and a game control means arranged to control images displayed on the display means, the game control means being arranged to play a game wherein random events are caused to be displayed on the display means and, if a predefined winning event results, the machine

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awards a prize, the gaming machine being characterized in that if the predefined result includes a trigger condition which results in an initial series of free games (bonus) awarded to a player and, during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded and implemented immediately during the existence of the initial series of free games with the bonus feature applicable to the subsequent series of free games being applied to the remaining games of the initial series of free games as well as to the games of the subsequent series of free games. A program which implements the game and user interface is run on a processor of the control circuit, which drives the screen of the video, display unit and which receives input signals from sensors. Graham discloses the secondary game triggering event in the secondary game and the secondary game triggering event in the primary game employ a plurality of the same triggering symbols, wherein the secondary game triggering event includes at least one combination of a plurality of the triggering symbols and the secondary game re-triggering event includes at least one of the triggering symbols and less than the plurality of the triggering symbols of the combination by disclosing in col. 1:66-67, col. 2:1-4 and col. 3:5-22, any suitable bonus feature may be applicable. Thus, the bonus feature may include at least one of changes in definitions of symbol functions, for example, to scatters, substitutes, bonus symbols, feature triggers, etc, pay table variations or an increase in the number of free games awarded. When a base game is played on the machine and trigger condition arises an initial series of free games is awarded. If, during any one of the free games of the initial series of free games, the same trigger condition arises, a subsequent series of free games is awarded. Graham discloses the bonus trigger is selected from the group consisting of at least one re-trigger of the bonus game, at least one additional spin in the bonus game, and at least one additional turn in the bonus game by disclosing in col. 1:35-45, the gaming machine being characterized in that if the predefined result includes a trigger condition which results in an initial

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series of free games (bonus) awarded to a player and, during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded and implemented immediately during the existence of the initial series of free games with the bonus feature applicable to the subsequent series of free games being applied to the remaining games of the initial series of free games as well as to the games of the subsequent series of free games. Graham discloses the bonus re-trigger activates a bonus re-triggering symbol in the bonus game, wherein when the bonus re-triggering symbol is subsequently displayed in the bonus game, the processor provides an additional bonus re-trigger to the player by disclosing in col. 1:54-67, col. 2:1-4 and col. 3:3-44, it will be appreciated that, in the subsequent series of free games, if the trigger condition again arises to trigger a further series of free games, the further series of free games has a further bonus feature associated with it. The further bonus feature may supersede the bonus feature of the remaining games of the subsequent series of free games as well as any remaining games of the initial series of free games. Any suitable bonus feature may be applicable. Thus, the bonus feature may include at least one of changes in definitions of symbol functions, for example, to scatters, substitutes, *bonus symbols*, feature triggers, etc, pay table variations or an increase in the number of free games awarded. If, in the subsequent series of free games or in any of the remaining free games of the initial series of free games, the trigger condition again occurs, a further series of free games is awarded with a further bonus feature being applicable. In the preferred embodiment, the bonus feature for the further series of free games is a pay table where all prizes awarded is five times those of the pay table applicable to the base game. Once again, the bonus feature for the further series of free games is applicable not only to the games of the further series of free games but also to any remaining games from the subsequent series of free games and any remaining games from the initial series of free games.

However, Graham lacks in disclosing the secondary re-triggering event in the secondary game is more likely to occur in the secondary game than the secondary game triggering event in the primary game, the secondary game re-triggering event in the secondary game and the secondary game triggering event in the primary game employ at least one of the same triggering symbols, employ a plurality of the same triggering symbols, wherein the secondary game triggering event includes at least one combination of the triggering symbols and the secondary game re-triggering event includes a greater number of combination of the triggering symbols. Demar, in an analogous gaming machine, teaches, in col. 4:11-23:39-42:58-67, col. 5:1-3:40-42 and col. 6:27-29, in the basic game, some event, or sequence of outcomes which occur at a low frequency permits the playing of the bonus game. The bonus game is another game of chance with a generally high hit rate (i.e., the probability that a player will win rather than lose). The hit rate of at least one of the trials in the bonus game, according to the present invention, should be greater than 50%. When a trigger event occurs in the base game, play switches to the bonus game. Preferably, play of the bonus game results in a series of free trials i.e., not requiring the game player to insert any additional coins or credits into the machine. It is also contemplated that the base game and bonus game could be executed on the reels of a spinning reel slot machine where the symbols on the reels are given two different sets of probabilities for the base and bonus games. Another alternative is for the two games to be very different, such as a spinning reel slot machine for the base game coupled with a video poker game as the bonus game. The machine 10 includes a display window 12 through which a player may observe three spinning reels, 14, 16 and 18. Game play is initiated by inserting a coin or playing a credit and then pulling the lever 20 or operating a push button switch for the same purpose. A microprocessor then operates according to its game program randomly selecting a reel stop position for each of reels 14, 16 and 18. The reels are set in motion to give the player the feeling

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of randomness, but in due course the reels are stopped at the preselected stop positions using technology well known in this art which typically includes stepper motors for driving the reels and stopping them at the desired position under processor control. The basic game is played on the spinning reels of the slot machine 10, while the bonus game is played on the dot matrix display 32. The basic game has typical symbols such as Cherry, Single Bar, Double Bar and Triple Bar spaced on the reel strips 14, 16 and 18. The symbols used in the bonus game are Cherry, Single Bar, Double Bar, Triple Bar, Blue 7 and Red 7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Demar into the disclosed invention of Graham. One would be motivated to combine the teachings of Demar with the disclosed invention of Graham in order to, improve the diversity of the bonus game and increase the excitement level offered by the gaming machine.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

R. Mendoza
April 29, 2003


S. THOMAS HUGHES
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